

Application No. 10/816,219

Filed: April 1, 2004

TC Art Unit: 2627

Confirmation No.: **RECEIVED**

**CENTRAL FAX CENTER**

**OCT 05 2006**

IN THE CLAIMS

Please amend claim 1 and claims 3-5 as shown in the Status of the Claims section, *infra*. Additions are underlined and deletions are struckthrough. No new matter has been added.

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STATUS OF THE CLAIMS

1. (Currently amended) A disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, ~~wherein the disk apparatus comprising:~~

first release means and second release means for externally manipulating a mechanism for unloading a loaded optical disk,

wherein manipulation of the second release means forcibly unloads the loaded optical disk only after ~~by manipulation of the~~ first release means.

2. (Original) The disk apparatus according to Claim 1, wherein the driving of a spindle motor for rotating the optical disk is stopped by the manipulation of the first release means.

3. (Currently amended) A slot-in type disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, ~~wherein the disk apparatus comprising:~~

a loading gear unit for loading and unloading the optical disk;

a rack gear unit for interlocking with the loading gear unit and having a manipulation-protected state preventing unloading of the optical disk;

first release means for the loading gear unit being manipulatable externally and causing release of the manipulation-protected state; and

second release means for the rack gear unit being manipulatable externally and causing optical disk unloading in the absence of the manipulation-protected state,

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wherein the[[a]] manipulation-protected state of the rack gear unit is released by manipulation of the first release means for the loading gear unit.

4. (Currently amended) The disk apparatus according to Claim 3, wherein the rack gear unit switches to a floating state to enable the unloading manipulation of the optical disk by the first release means for the manipulation of the loading gear unit.

5. (Currently amended) A disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, wherein the disk apparatus comprising:

first release means and second release means for externally manipulating through an emergency through hole provided in an apparatus casing; and

an emergency unloading mechanism for stopping driving of a spindle motor for rotating the optical disk by manipulation of the first release means, and for unloading forcibly a loaded optical disk by manipulation of the second release means only after said manipulation of the first release means.